

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SANDRA HAMILTON,)	8:04CV457
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
JO ANNE B. BARNHART,)	
Commissioner of Social)	
Security Administration,)	
)	
Defendant.)	

The defendant has filed a motion to remand (filing 12) this matter to the Social Security Administration pursuant to sentence six of 42 U.S.C. § 405(g), which allows the Commissioner, upon good cause shown and prior to the filing of an answer, to file a motion to remand the case to the Commissioner of Social Security for further action. The defendant's motion states that the "claim file in this case has not yet been located. In addition, the cassette tape of the hearing held on February 6, 2004, was unable to be located. Consequently, it has not been possible to prepare the required transcript of administrative proceedings nor to respond to plaintiff's complaint. The defendant requests that this case be remanded to allow a further search for the file or, if no file can be located, to allow for the file to be reconstructed." (Filing 12.) Plaintiff has not objected to Defendant's motion.

Upon good cause shown by the defendant before the filing of its answer, I shall grant the defendant's motion for remand (filing 12). I shall require the defendant to report to the court every 90 days on the status of this case.

IT IS ORDERED:

1. Defendant's motion to remand (filing 12) is granted;

2. Pursuant to 42 U.S.C. § 405(g), sentence six, this matter is remanded to the Commissioner of the Social Security Administration;

3. This court shall retain jurisdiction over the matter throughout the remand proceedings;¹

4. The defendant shall electronically file a report every 90 days on the status of this matter.

5. The Clerk of the United States District Court shall close this matter for statistical purposes during the pendency of the remand proceedings.

April 22, 2005.

BY THE COURT:

s/Richard G. Kopf
United States District Judge

¹ The court retains jurisdiction because the parties must return to district court after the remand proceedings to file the Commissioner's findings. See Shalala v. Schaefer, 509 U.S. 292, 297 (1993); Jackson v. Chater, 99 F.3d 1086, 1095 (11th Cir. 1996).